

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NORTH READING SCHOOL COMMITTEE,
Plaintiff

Civ. No. 05-11162 RCL

v.

BUREAU OF SPECIAL EDUCATION APPEALS
OF THE MASSACHUSETTS DEPARTMENT
OF EDUCATION, MASSACHUSETTS
DEPARTMENT OF EDUCATION, AND
TIMOTHY GRAFTON AND COURTNEY
GRAFTON, AS PARENTS AND NEXT FRIEND
OF M.G.,
Defendants.

**STATE DEFENDANTS' MOTION (ASSENTED TO) TO EXCUSE APPEARANCE
AT STATUS CONFERENCE ON MAY 22, 2007**

Pursuant to Fed. R. Civ. P. 7(b) and Local Rule 7.1, the state defendants, Bureau of Special Education Appeals of the Massachusetts Department of Education and Massachusetts Department of Education (collectively referred to as the "Department"), respectfully move this Court to excuse the appearance of their counsel, Julie B. Goldman, from attendance at the status conference scheduled for May 22, 2007, at 2:30 p.m. due to a conflicting court appearance in another proceeding. As further grounds, the Department states the following:

1. In its Memorandum and Order, dated March 30, 2007, this Court (Lindsay, J.) denied the plaintiff's motion for summary judgment and affirmed the decision of the Department. See Memorandum and Order, dated March 30, 2007, page 19.

2. The Memorandum and Order resolved all claims that the parties had against the Department. Id. Still unresolved are the co-defendant parents' counterclaims against the plaintiff. Id. Accordingly, this Court scheduled a status conference on May 22, 2007, at

2:30 p.m. to “discuss an appropriate mechanism for the resolution of those matters.” Id.; see April 22, 2007, Electronic Notice of Hearing.

3. As such, it is the undersigned counsel’s understanding that her attendance on behalf of the Department at the status conference is unnecessary.

4. Moreover, the undersigned counsel has a conflicting court appearance. She is to appear in Ritchie, et al. v. Department of Environmental Protection, et al., Barnstable County Superior Court Case No. 06-00360, on May 22, 2007, at 2:00 p.m. in Barnstable, Massachusetts for a hearing on a motion for judgment on the pleadings.

5. Rather than request that this Court cancel or reschedule the May 22, 2007, status conference, the undersigned counsel requests that she be excused from appearing at the status conference.

6. The undersigned counsel has conferred with counsel for the other parties, who have indicated their assent to this motion.

WHEREFORE, for the foregoing reasons, the Department respectfully requests that the Court excuse its counsel from appearing at the May 22, 2007, status conference.

Respectfully submitted,

BUREAU OF SPECIAL EDUCATION
APPEALS of the MASSACHUSETTS
DEPARTMENT OF EDUCATION
and MASSACHUSETTS
DEPARTMENT OF EDUCATION,

By their attorney,

MARTHA COAKLEY
ATTORNEY GENERAL

/s/ Julie B. Goldman
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Dated: May 16, 2007

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

I certify that I have conferred with counsel for plaintiff and counsel for defendants Timothy and Courtney Grafton, as parents and next of friend of M.G., both of whom do not oppose this motion.

/s/ Julie B. Goldman
Julie B. Goldman
Assistant Attorney General

CERTIFICATE OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 16, 2007.

/s/ Julie B. Goldman
Julie B. Goldman
Assistant Attorney General